

NOTE: The governor signed this measure on 3/9/2016.

An Act

HOUSE BILL 16-1008

BY REPRESENTATIVE(S) Winter and Becker J., Becker K., Duran, Esgar, Garnett, Kagan, Kraft-Tharp, Lebsack, Lontine, Mitsch Bush, Moreno, Pettersen, Ryden, Hullinghorst;
also SENATOR(S) Cooke and Heath, Carroll, Guzman, Jones, Kerr, Todd, Ulibarri.

CONCERNING AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE AN AREA ON A ROADWAY NOT OTHERWISE LANED FOR TRAFFIC FOR USE BY COMMERCIAL VEHICLES DESIGNED TO TRANSPORT SIXTEEN PASSENGERS OR MORE THAT ARE OPERATED BY A GOVERNMENTAL ENTITY OR GOVERNMENT-OWNED BUSINESS THAT TRANSPORTS THE GENERAL PUBLIC OR BY A CONTRACTOR ON BEHALF OF SUCH AN ENTITY OR GOVERNMENT-OWNED BUSINESS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-1007, **amend** (2); and **add** (3) as follows:

42-4-1007. Driving on roadways laned for traffic. (2) (a) ~~Any person who violates any provision of this section commits a class A traffic infraction~~ THE DEPARTMENT OF TRANSPORTATION MAY DESIGNATE WITH SIGNAGE AN AREA ON A ROADWAY NOT OTHERWISE LANED FOR TRAFFIC FOR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

USE BY COMMERCIAL VEHICLES, AS DEFINED IN SECTION 42-4-235 (1) (a), THAT ARE DESIGNED TO TRANSPORT SIXTEEN OR MORE PASSENGERS, INCLUDING THE DRIVER, AND THAT ARE OPERATED BY A GOVERNMENTAL ENTITY OR GOVERNMENT-OWNED BUSINESS THAT TRANSPORTS THE GENERAL PUBLIC OR BY A CONTRACTOR ON BEHALF OF SUCH AN ENTITY OR GOVERNMENT-OWNED BUSINESS. USE OF SUCH AN AREA IS LIMITED TO VEHICLES AUTHORIZED BY THE DEPARTMENT OPERATING UNDER CONDITIONS OF USE ESTABLISHED BY THE DEPARTMENT BUT, SUBJECT TO THE CONDITIONS OF USE, THE DRIVER OF AN AUTHORIZED VEHICLE HAS SOLE DISCRETION TO DECIDE WHETHER OR NOT TO DRIVE ON SUCH AN AREA BASED ON THE DRIVER'S ASSESSMENT OF THE SAFETY OF DOING SO. THE DEPARTMENT SHALL CONSULT WITH THE COLORADO STATE PATROL BEFORE GRANTING AUTHORIZATION FOR USE OF THE AREA AND ESTABLISHING CONDITIONS OF USE. THE DEPARTMENT SHALL IMPOSE AND EACH AUTHORIZED USER SHALL ACKNOWLEDGE THE CONDITIONS OF USE BY WRITTEN AGREEMENT, AND THE DEPARTMENT NEED NOT NOTE THE CONDITIONS OF USE IN ROADWAY SIGNAGE. AN AUTHORIZED USER DOES NOT VIOLATE THIS SECTION OR SECTION 42-4-1004 WHEN OPERATING IN ACCORDANCE WITH THE CONDITIONS OF USE FOR AN AREA IMPOSED BY THE DEPARTMENT AND ACKNOWLEDGED BY THE USER IN A WRITTEN AGREEMENT.

(b) THE DEPARTMENT OF TRANSPORTATION SHALL WORK WITH LOCAL GOVERNMENTAL AGENCIES IN IMPLEMENTING THE PROVISIONS OF THIS SUBSECTION (2).

(3) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO